HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 208 (SS) 2004

Mahendra Singh Shahi @ Mohan Singh,
S/o late Ganga Singh Shahi,
R/o Rajeev Nagar, Khatima,
District Udham Singh Nagar,
Permanent R/o village Dudhara, Kanchanpur,
Nepal. ----Petitioner.

Versus

1. General Manager (Parichalan),
   Pension, Provident Fund and Gratuity,
   Department, State Bank of India,
   Head Office Hajratganj, Lucknow, (U.P.)
2. Branch Manager,
   State Bank of India, Branch Khatima,
   District Udham Singh Nagar. ----Respondents.

Sri B.S. Khanka, Adv. And Sri Rajesh Pandey, learned counsel for the petitioner,
Sri Ashish Joshi, learned counsel for the respondents.

Hon'ble M.M. Ghildiyal , J.

Heard Sri Rajesh Pandey, holding brief of Sri B.S. Khanka, learned counsel for the petitioner and Sri Ashish Joshi, learned counsel for the respondents.

This writ petition has been filed by the petitioner seeking following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding the respondents and directing to pay the arrear of the family pension since from 17.09.2000 to 03.10.2003,

ii. Issue any other order or direction, which be deemed fit and proper under the facts and circumstances of the case in favour of the petitioner,

iii. Award cost of the writ petition to the petitioner.

The facts, as narrated in the writ petition, are that one Sri Ganga Singh Shahi was the employee of the respondent's Bank and when he retired from his service, he was granted pension. Sri Ganga Singh Shahi died on 16.09.2000. After the death of Sri Ganga Singh Shahi one Hansuli Devi claimed family pension vide her application dated 25th March 2003. Since, Smt. Parwati Devi was mentioned as wife and nominee in the service record of Sri Ganga Singh Shahi, the respondent-Bank required from Smt. Hansuli Devi to produce the original death certificate of late Sri Shahi and also the family register. During the correspondence Smt. Hansuli Devi also died. The petitioner who is claiming himself to be the son of Smt. Parwati Devi (former wife of late Sri Ganga Singh Shahi) and step son of Smt. Hansuli Dvi, is now claiming family pension of Hansuli Devi w.e.f. 17.09.2000 to 2nd October 2003, to which date Smt. Hansuli Devi expired.

Learned counsel for the respondent-Bank has submitted that the petitioner was asked to furnish succession certificate on 08.04.2004 so that the payment may be made, however the petitioner has yet not furnished the succession certificate and in absence of such certificate, the desired payment cannot be made to him.

In the circumstances, I deem it fit and proper to direct the petitioner to furnish necessary information and the certificate required by the Bank for getting family pension. After

receipt of the information and the succession certificate from the petitioner, it is expected from the respondent-Bank that they will take necessary action and shall pass appropriate orders within a period of two months.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

November 1,2006:
NCM: